

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor, if only one name is listed below, or an original, first and joint inventor, if plural names are listed below, of the subject matter which is claimed and for which a patent is sought on the invention entitled **Nonaqueous Cell With Improved Thermoplastic Sealing Member**, as described and claimed in the attached specification.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office (the Office), all information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations (C.F.R.), Section 1.56.

### CLAIM OF PRIORITY

I hereby claim the benefit under 35 U.S.C. § 120, of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the above-identified specification, including claims, discloses and claims subject matter in addition to that disclosed in the prior co-pending application(s), listed below, I acknowledge the duty to disclose to the Office, all information which is known by me to be material to patentability as defined in 37 C.F.R. § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.


### POWER OF ATTORNEY

I hereby appoint the practitioners associated with **Customer No. 020,875** (*i.e.*, the practitioners associated with Eveready Battery Company, Inc.) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

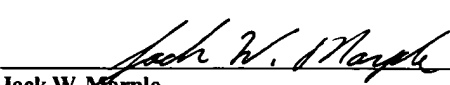
Please direct all correspondence to Russell H. Toye, Jr. at the address associated with Customer No. 020,875. Address all telephone calls to Russell H. Toye, Jr. at Telephone No. (440) 835-7343.

All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true, and further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Sole or First Joint Inventor:

  
\_\_\_\_\_  
Mark A. Schubert  
Date: 10-9-03  
Citizenship: United States of America  
Residence: 1636 Oak Bark Circle  
Brunswick, Ohio 44212  
Post Office Address: Same as Above

Second Joint Inventor:

  
\_\_\_\_\_  
Jack W. Marple  
Date: 10/9/03  
Citizenship: United States of America  
Residence: 2154 Clifton Way  
Avon, Ohio 44011  
Post Office Address: Same as Above